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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,201	10/10/2003	Chinsoo Park	364106/0338	2884
7590	03/08/2005			EXAMINER DAVIS, CASSANDRA HOPE
Steven B. Pokotilow Stroock & Stroock & Lavan LLP 180 Maiden Lane New York, NY 10038			ART UNIT 3611	PAPER NUMBER

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/684,201	PARK ET AL.
Examiner	Art Unit	
Cassandra Davis	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11, 16-23, 28 and 29 is/are rejected.
- 7) Claim(s) 12-15 and 24-27 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 5, 8, 17, 19, 20, 22, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kohl, U. S. Patent 5,129,614.

3. With respect to claims 1, 2, 17, and 29, Kohl teaches cage having a wire mesh sidewall 16, a cardholder 10 attached to the wall 16 and tab retention member 28 for securing the cardholder to the sidewall 16.

4. With respect to claim 5 and 20, the tab retention members 28 can be attached to the wire mesh sidewall in either the vertical or horizontal orientation.

5. With respect to claim 8 and 22, Kohl teaches the card holder can be made of durable plastic material. (Column 2, lines 21-24).

6. With respect to claim 19, Kohl teaches pair vertical guides 20 and a horizontal lower guide 20. (See figures 2-3).

7. Claims 1, 2, 7, 8, 11, 17, 22, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe, U. S. Patent 5,526,598.

8. With respect to claims 1, 2, 17, and 29, Watanabe teaches cage having a wire mesh sidewall 1, a cardholder 8 for attachment to the wall 1 and retention member 9 for securing the cardholder 7 to the sidewall 1.

9. With respect to claim 7, Watanabe teaches an abutment wall 15/16.

10. With respect to claims 8 and 22, the cardholder 9 is made of synthetic resin or plastic material.

11. With respect to claim 11, the retention member 8 is welded to the wire mesh cage, thereby making the retention member integral with the cage.

12.

13. Claims 1-5, 8, 11, 17, 18, 19, 20, 22, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Hopp et al., U. S. Patent 3,029,537.

14. With respect to claims 1, 2, 8, and 17, Hopp teaches a plastic cardholder 10 for attachment to the wire mesh side wall 18 of a basket comprising a holder 10 with back wall 11 and cut outs 17. The wire mesh 18 corresponds to the retention member.

15. With respect to claims 3 and 18, the back wall has a notch 14 to facilitate removal of the card. (Column 3, lines 31-36).

16. With respect to claim 4, Hopp teaches side guides 12 and 13 and bottom guides 12a and 13a.

17. With respect to claim 5, the retention member 17 allows the holder to be retained in a vertical or horizontal orientation.

18. With respect to claim 11, the wire member 18 is integrally formed with the basket.

19. Claims 1, 2, 4, 6-9, 11, 17, 19, 21-23, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Spragg, et al., U. S. Patent 3,287,841.
20. With respect to claims 1, 2, 4, 7, 8, 9, 17, 22, 23, and 29, Spragg teaches a display device for shopping carts comprising a cardholder 24 and retention member 30, wherein the retention member is attached to the sidewall of the basket. The cardholder is formed from two plastic sheets, wherein the sheets are sealed along the two side edges and the bottom edge. The seal side and bottom edges correspond to the side and bottom guides.
21. With respect to claim 6, the card holder 24 has a pair of apertures 27 adapted to engage hook 32 of the retention member 30, wherein the hook defines a wall for retaining the cardholder onto the member 30.
22. With respect to claim 11, the retention member 30 is secured to the sidewall of the card using lugs 34a.
23. Claims 1, 3, 4, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas, U. S. Patent 4,690,100.
24. Thomas teaches an animal cage 90 comprising a cardholder 102 secured to retention member 104. See figures 2-3.
25. With respect to claim 3, the cardholder has an aperture on the central portion of the back wall. See figures 2 and 3.
26. With respect to claim 16, the cage has a removable filter top 112.

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claims 16 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Niki, US 20030056733A1. Niki teaches a wire mesh cage with a removable lid 7. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the cage taught by Watanabe with a removable lid as taught by Niki to provide a means to insert and remove the animal from the top.

29. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohl in view of Fandreyer, U. S. Patent 5,212,899. Kohl teaches the card holder can be secured to the side of the cage using screw inserted through the opening 30. Fandreyer teaches a cardholder 20 secure to a support using either screws as seen in figure 2 or adhesive as seen in figures 5A and 5B. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the card holder taught by Kohl with adhesive on the back surface as taught by Fandreyer to provide a means to permanently and adhesively attach the holder to the support surface.

***Allowable Subject Matter***

30. Claims 12-15 and 24-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

After April 4, 2005 the examiner can be reached at 571-272-6642.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
March 5, 2005